

In the Court of Appeals of the State of Alaska

Mark J Kon,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13242**

Order

Date of Order: **12/29/2020**

Trial Court Case No. **3AN-97-09242CR**

Attorney Paul E. Malin, who represents the Appellant, Mark J. Kon, recently filed a Notice of Change of Circumstances. According to the Notice, Mr. Kon is no longer “on probation for the conditions he seeks to overturn on appeal.” Despite this Notice, however, Mr. Malin does not actually identify which claims of error this Court no longer needs to resolve because of the change of circumstances, or whether the entire appeal should be considered moot because of the change. The confusion arises in part because in the Notice, Mr. Malin emphasizes how the change in the trial court affected Mr. Kon’s supervised and unsupervised probation, but Mr. Kon’s brief never mentions either status – therefore, it’s unclear which if any of the challenged probation conditions still presents a live controversy.

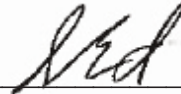
Accordingly, **IT IS ORDERED:**

Based on the change of circumstances, Mr. Malin shall clarify exactly which of the claims of error in this appeal are no longer challenged by Mr. Kon. Mr. Malin’s pleading shall be filed on or before **January 12, 2021**.

Entered under the authority of Chief Judge Allard.

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Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read 'S. Anderson', is written over a horizontal line.

Sarah Anderson, Deputy Clerk

Distribution:

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